

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Specification and Abstract

The specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

II. Amendments to the Claims

Claims 62, 63, 65-69, 71, 72 and 74 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

Further, independent claims 61, 70 and 73 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

It is also noted that claims 61, 64, 70 and 73 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

III. Examiner's Comments Regarding "Conditional" Language

Pages 6 and 7 of the Office Action indicate that the "conditional" limitations recited in the claims have not been considered to be limitations of the claimed invention and state that "Applicant's claims employ language that does not serve to differentiate the claims from the prior art."

In view of the above, the claims have been amended throughout to recite that when certain conditions occur, the claimed invention performs specific functions. Additionally, Applicants note that above-mentioned amendments require the claimed invention to be capable of performing those specific functions, so that when the "event" occurs, the functions are performed.

Additionally, Applicants note that MPEP 2143.03 states that "All words in a claim must be considered in judging the patentability of that claim against the prior art."

As a result, Applicants respectfully submit that the amended claims now employ language that serves to differentiate the claims from the prior art.

IV. 35 U.S.C. §101 Rejections

Claims 61-64 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claims 61-64 were rejected for reciting limitations that can be interpreted as software alone. Independent claim 61 has been amended to clarify that the terminal device includes a processor, which require more than just software. As a result, it is submitted that the Examiner's rejection under 35 U.S.C. § 101 is inapplicable to amended claim 61 and claim 64

that depends therefrom, because claim 61 now requires more than software alone. Therefore, withdrawal of this rejection is requested.

Claim 70 was also rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claim 70 was rejected for reciting a method that is not tied to another statutory class or that does not identify material that is changed to a different state and/or transformed. Claim 70 has been amended to tie the claimed method to a specific apparatus. As a result, it is respectfully submitted that amended claim 70 now satisfies the requirements set forth in the rejection. Therefore, withdrawal of this rejection is requested.

Claim 73 was also rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claim 73 was rejected for merely reciting a software program. Claim 73 has been amended to recite computer-readable recording medium having a computer program recorded thereon, such that the computer program causes a computer to function in a specific manner. As a result, withdrawal of this rejection is respectfully requested.

V. 35 U.S.C. § 112, Second Paragraph Rejections

Claims 61-64 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the rejection indicates that claim 61, which is drawn to an apparatus, recites method steps. The Applicants respectfully disagree with this rejection, since claim 61 specifically recites various “units” that perform certain operations. The “sending,” as recited in claim 61 and as identified in this rejection is a limitation that merely clarifies various processes included in each transaction process. As a result, it is respectfully submitted that claim 61 is

clearly drawn to an apparatus and does not recite method steps, as asserted in this rejection. Therefore, withdrawal of this rejection is respectfully requested.

Claims 61, 70 and 73 were also rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 61, 70 and 73 were rejected for reciting the term “normally,” which is not defined in the respective claims. Claims 61, 70 and 73 have been amended to remove the term “normally.” As a result, withdrawal of this rejection is respectfully requested.

Furthermore, claims 61, 70 and 73 were rejected under 35 U.S.C. § 112, second paragraph, for reciting “in a second or a following transaction process,” when the claims do not require that a first request message be sent. Claims 61, 70 and 73 have been amended to clarify that the sending unit “sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes.” The Applicants submit that the above-mentioned clarifications correct the problems identified in this rejection. As a result, withdrawal of this rejection is respectfully requested.

VI. 35 U.S.C. § 103(a) Rejections

Claims 61, 70 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox (U.S. 5,875,291). Further, claims 62-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Fox and Ishibashi (U.S. 5,613,065). These rejections are believed clearly inapplicable to amended independent claims 61, 70 and 73 for the following reasons.

Amended independent claim 61 recites a terminal device including a sending unit that,

when successive transaction processes of a plurality of transaction processes are processed, sends a plurality of request messages including a request message that includes a transaction flag, and including a response receiving unit that receives a plurality of response messages from the server device. Further, claim 61 recites that, when the response receiving unit receives a response message from a server device without an occurrence of a communication error and in response to a previously sent request message, the sending unit sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes, a request message, including a transaction flag generated by an inverting unit, without sending a commit message.

A result of the structure required by claim 61 is that it is possible to reduce a number of times messages are sent/received between the server and the terminal, because claim 61 requires that in response to receiving a response message from the server, the terminal sends a transaction flag along with a request message in the second/following transaction process. This feature allows the server to recognize that the previous response message has been received by the terminal without the terminal sending another commit message. Additionally, since the transaction flag includes a small amount of information and since the transaction flag is sent without the commit message, the server and the terminal can reduce an amount of data exchanged therebetween and can reduce a time required to carry out transactions.

Ishibashi and Fox, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features and the result of the structure required by amended independent claim 61.

Rather, Fox merely teaches that a host 100 (i.e., server) and a workstation 120 (i.e.,

client) utilize a User ID and a Work ID in order to identify each transaction between the host 100 and the workstation 120, and teaches that when a communication problem occurs, the workstation 120 provides a user ID and requests the host 100 to identify the most recently committed transaction (see Fig. 2, step 222). Additionally, Fox teaches that after receiving the request from the workstation 120, the host 100 sends a Work ID of the last committed transaction to the workstation 120, then the workstation 120 checks the received Work ID, and if the transaction related to the received Work ID did not commit, the workstation 120 re-requests a current transaction (see Fig. 2, steps 222, 226 and 230 and col. 5, lines 6-45).

Thus, in view of the above, it is clear that according to Fox, if a communication problem occurs, then the workstation must request the host to send the ID of the last committed transaction and then check the ID sent from the host to determine whether the transaction related to the ID has committed, but fails to disclose or suggest that, when the response receiving unit receives a response message from a server device without an occurrence of a communication error and in response to a previously sent request message, the sending unit sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes, a request message, including a transaction flag generated by an inverting unit, without sending a commit message, as required by claim 61.

In other words, according to Fox, it is necessary to transmit a request to the host in order to determine if a most recent transaction has been committed, which fails to disclose or suggest that the sending unit sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes, a request message, including a transaction flag generated by an inverting unit, without sending a commit message, as required

by claim 61.

Now turning to Ishibashi, it is submitted that Ishibashi merely teaches that a center office 1 repeatedly sends data to terminal equipment 2 until the center office 1 receives a stop request and when the center office 1 receives the stop request from terminal equipment 2, the center office 1 stops sending data to the terminal equipment 2. Specifically, the terminal equipment 2 utilizes a table to store “0” or “1” indicating whether a piece of information has been “normally received,” and when the piece of information has been “normally received” the table stores a “1” and provides an indication to the center office 1 that the piece of data no longer needs to be sent so that the center office 1 will stop repeatedly sending the piece of data (see cols. 5 and 6).

Thus, in view of the above, it is clearly that Ishibashi teaches that data is repeatedly sent from a center office to a terminal until the center office receives a stop command, but fails to disclose or suggest that, when the response receiving unit receives a response message from a server device without an occurrence of a communication error and in response to a previously sent request message, the sending unit sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes, a request message, including a transaction flag generated by an inverting unit, without sending a commit message, as required by claim 61.

The Applicants also note that the combination of Ishibashi and Fox would produce the following process: (i) a server device sends data to a client device in response to a request from the client device; (ii) the server device resends the data until a notification of receiving the data without failure is received from the client device; and (iii) if the client device has received the data without failure, the client device notifies the server device.

Therefore, in view of the above, it is clear that the combination of Ishibashi and Fox requires that, if the client device has received the data without failure, then the client device notifies the server device to stop sending the data, which fails to disclose or suggest that the inverted value of the transaction flag is included in a request message, as recited in claim 61.

In other words, claim 61 requires that the transaction processes are carried out without the above-mentioned feature (iii), as required by the combination of Ishibashi and Fox.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 61 and claim 64 that depends therefrom would not have been obvious or result from any combination of Ishibashi and Fox.

In light of the discussion above, the combination of Ishibashi and Fox does not provide the above-mentioned results of the structure required by claim 61, (i.e., the server can recognize that the previous response message has been received by the terminal without the terminal sending another commit message, and since the transaction flag includes a small amount of information and since the transaction flag is sent without the commit message, the server and the terminal can reduce an amount of data exchanged therebetween and can reduce a time required to carry out transactions), because any combination of Ishibashi and Fox still fails to disclose or suggest that the sending unit sends, in a second or a following transaction process, other than a first transaction process, out of the successive transaction processes, a request message, including a transaction flag generated by an inverting unit, without sending a commit message, as required by claim 61.

Amended independent claims 70 and 73 are directed to a method and a program, respectively and each recite features that correspond to the above-mentioned distinguishing

features of independent claim 61. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 70 and 73 are allowable over the combination of Ishibashi and Fox.

Furthermore, there is no disclosure or suggestion in Ishibashi and/or Fox or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Ishibashi and/or Fox to obtain the invention of independent claims 61, 70 and 73. Accordingly, it is respectfully submitted that independent claims 61, 70 and 73 and claim 64 that depends therefrom are clearly allowable over the prior art of record.

VII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Kouji MIURA et al.

/Andrew L. Dunlap/

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By: _____

Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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